



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Practical Application of:**

Madabhushi et al.

**Serial No.: 10/040,539**

Filed: December 28, 2001

For: POLYMERS FOR SEPARATION  
OF BIOMOLECULES BY  
CAPILLARY  
ELECTROPHORESIS

Group Art Unit: 1713

**Examiner: Marie L. Reddick**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **TERMINAL DISCLAIMER**

**Sir:**

Petitioner Applera Corporation, duly organized under the laws of the State of Delaware, and having its principal place of business at 850 Lincoln Center Drive, Foster City, California, 94404, represents that it is an assignee of the entire right, title and interest in and to the above-identified application, United States Patent Application Serial No. 10/040,539, filed December 28, 2001, for Polymer For Separation Of Biomolecules By Capillary Electrophoresis, as indicated by an assignment from PE Corporation (NY) duly recorded in the United States Patent and Trademark Office at Reel 013367, Frame 0173.

PE Corporation (NY) was the sole assignee of the prior parent application U.S. Application No. 08/916,751, filed August 19, 1997, now U.S. Patent No. 5,916,426, by a Change of Name Document executed by The Perkin-Elmer Corporation on May 22,

2000, and duly recorded on March 6, 2002, in the United States Patent and Trademark Office at Reel 012676, Frame 0767. The Perkin-Elmer Corporation was the sole assignee of prior parent application U.S. Application No. 08/916,751, filed August 19, 1997, now U.S. Patent No. 5,916,426, by an assignment executed by inventors Ramakrishna S. Madabhushi, Steven M. Menchen, J. William Efcavitch, and Paul D. Grossman, and duly recorded in the U.S. Patent and Trademark Office on April 24, 1994, at Reel 006957, Frame 0854, and on March 30, 1995, at Reel 007409, Frame 0429.

PE Corporation (NY) was the sole assignee of the prior parent application U.S. Application No. 08/950,926, filed October 15, 1997, now U.S. Patent No. 6,355,709, by a Change of Name Document executed by The Perkin-Elmer Corporation on May 22, 2000, and duly recorded on March 6, 2002, in the United States Patent and Trademark Office at Reel 012676, Frame 0767. The Perkin-Elmer Corporation was the sole assignee of prior parent application U.S. Application No. 08/950,926, filed October 15, 1997, now U.S. Patent No. 6,355,709, by an assignment executed by inventors Ramakrishna S. Madabhushi, Steven M. Menchen, J. William Efcavitch, and Paul D. Grossman, and duly recorded in the U.S. Patent and Trademark Office on May 2, 1996, at Reel 007907, Frame 0410.

Assignee, Applera Corporation, further represents that to the best of its knowledge and belief, title to the above-identified patent application United States Patent Application Serial No. 10/040,539, filed December 28, 2001, and United States Patent Nos. 5,916,426 and 6,355,709 is in Applera Corporation.

To obviate a double patenting rejection, Applera Corporation hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the

above-identified application United States Patent Application Serial No. 10/040,539, which would extend beyond the expiration dates of United States Patent Nos. 5,916,426 or 6,355,709, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 5,916,426 or 6,355,709, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the assignee does not disclaim the terminal part of any patent granted on United States Patent Application Serial No. 10/040,539 that would extend to the expiration dates of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of United States Patent Nos. 5,916,426 or 6,355,709, as presently shortened by any terminal disclaimer, in the event that United States Patent Nos. 5,916,426 or 6,355,709 expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or in part, are terminally disclaimed under 37 C.F.R. § 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 01-2213. If any further fee and/or petition is required for an extension of time under 37 C.F.R. § 1.136 and is not

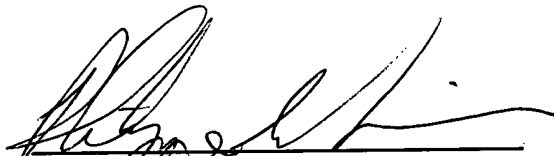
accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 01-2213.

The undersigned is authorized to act on behalf of assignee, Applera Corporation.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

July 23, 2004  
Date

  
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